

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**John W. Scibak**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the safe dispensing of pain management medication.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
John J. Binienda	17th Worcester
John P. Fresolo	16th Worcester

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE SAFE DISPENSING OF PAIN MANAGEMENT MEDICATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 94C of the General Laws is amended by striking Section 23 and replacing it  
2 with the following section:-

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4 Section 23. (a) A written prescription for a controlled substance in Schedule II shall become invalid  
5 90 days after the date of issuance.

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7 (b) A written prescription for a controlled substance in Schedule II shall not be refilled and shall  
8 be kept in a separate file.

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10 (c) The pharmacist filling a written prescription for a controlled substance in Schedule II shall  
11 endorse his own signature on the face thereof.

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13 (d) In regard to a controlled substance in Schedule II or III, no prescription shall be filled for  
14 more than a ninety-day supply of such substance upon any single filling; provided, however, that  
15 with regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a  
16 prescription may be filled for up to a sixty-day supply of such substance upon any single filling if  
17 said substance is being used for the treatment of minimal brain dysfunction or narcolepsy;  
18 provided further, that subject to regulations of the department and the board of pharmacy,

19 prescriptions for implantable infusion pumps consisting of Schedule II or Schedule III controlled  
20 substances may be filled for a maximum of 90 days.

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22 (e) All prescriptions for controlled substances shall be kept for two years by the pharmacy and  
23 shall be subject to inspection pursuant to the provisions of this chapter.

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25 (f) No prescription for a controlled substance shall be refilled unless the original prescription  
26 provides for such refilling and unless the number of refills has been specified in said  
27 prescription.

28

29 (g) Unless otherwise prohibited by law, a prescription shall be: (1) written in ink, indelible pencil  
30 or by other means; or (2) transmitted electronically; and (3) signed by the prescriber. A  
31 prescription may be transmitted electronically with the electronic signature and electronic  
32 instructions of the prescriber, and shall be transmitted directly from the prescriber to the  
33 pharmacy designated by the patient without alteration of the prescription information, except  
34 that third-party intermediaries may act as conduits to route the prescription from the prescriber  
35 to the pharmacy.

36

37 (h) Clinic pharmacies operated by a health maintenance organization licensed under chapter  
38 one hundred and seventy-six G and licensed pursuant to section fifty-one of chapter one  
39 hundred and eleven may refill prescriptions which have been previously dispensed by another  
40 health maintenance organization clinic pharmacy, provided that prior to dispensing a refill, the  
41 pharmacy refilling the prescription verifies the appropriateness of the refill through a centralized  
42 database.

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